

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

YOLANDA SILVA,

Plaintiff,

v.

NANCY JACKSON,

Defendant.

Case No. 1:25-cv-00458-KES-EPG

ORDER RE: NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT PREJUDICE

(ECF No. 15)

Plaintiff Yolanda Silva is incarcerated and proceeds *pro se* and *in forma pauperis* in this action brought under 42 U.S.C. § 1983. (ECF No. 1).

On August 14, 2025, Plaintiff filed a notice of voluntary dismissal, which also requested that the Court would return the fee Plaintiff previously filed. (ECF No. 15).

As to the request for dismissal, the Court construes this filing as a notice of voluntary dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i), which permits a Plaintiff to dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Notably, Plaintiff states her intention to dismiss this case in order to properly exhaust her claims and no Defendant has served an answer or motion for summary judgment.

However, the Court is unable to return the filing fee to Plaintiff. “[V]oluntary dismissal of an action, whether filed by a prisoner or not, does not entitle the litigant to a refund of filing fees.” *Grindling v. Martone*, Case No. 12-00361 LEK/BMK, 2012 WL 4502954, at \*2 (D. Haw.

1 Sept. 28, 2012) (collecting cases from the Second, Third, Fifth, Seventh, and Ninth Circuits and  
2 determining that 28 U.S.C. § 1915 “does not provide any authority or mechanism for the court . . .  
3 to return the filing fee after dismissal of an action”).

4 Accordingly, in light of the voluntary dismissal, this action has been terminated, Fed. R.  
5 Civ. P. 41(a)(1)(A)(i), and has been dismissed without prejudice. *See Wilson v. City of San Jose*,  
6 111 F.3d 688, 692 (9th Cir. 1997). The Clerk of Court is respectfully directed to terminate any  
7 pending dates and deadlines and to close the case.

8 IT IS SO ORDERED.

9  
10 Dated: August 21, 2025

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE